

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 197**

# **HOUSE BILL 2254**

AN ACT

AMENDING SECTION 22-125, ARIZONA REVISED STATUTES; RELATING TO JUSTICES OF THE PEACE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 22-125, Arizona Revised Statutes, is amended to  
3 read:

4 22-125. Justice of the peace compensation; judicial  
5 productivity credits; annual report; definitions

6 A. The annual salary of each justice of the peace is ~~determinable~~  
7 ~~on the basis of~~ DETERMINED BY the total judicial productivity credits of  
8 each court as reported in statistics compiled by the Arizona supreme  
9 court.

10 B. JUDICIAL PRODUCTIVITY CREDITS SHALL BE DETERMINED according to  
11 the following formula:

12 1. ~~Total~~ ALL civil filings, ~~excluding those small claims filings~~  
13 ~~heard by a volunteer hearing officer,~~ divided by ten equals \_\_\_\_\_  
14 judicial productivity credits. ~~Juvenile hearings pursuant to section~~  
15 ~~8-323, excluding juvenile traffic violations, shall be counted as civil~~  
16 ~~filings.~~

17 2. ~~Total~~ ALL felony ~~complaint filings~~ COUNTS FILED divided by ten  
18 equals \_\_\_\_\_ judicial productivity credits.

19 3. ~~Total~~ EXCEPT FOR COUNTS DESCRIBED IN PARAGRAPH 4 OF THIS  
20 SUBSECTION, ALL misdemeanor ~~filings~~ COUNTS FILED divided by ten equals  
21 \_\_\_\_\_ judicial productivity credits.

22 4. ~~Total~~ traffic filings of a violation of sections 28-662 through  
23 ~~28-664, 28-693, 28-702.01, 28-702.04, 28-708, 28-1381 and 28-1382~~ ALL  
24 COUNTS FILED THAT ALLEGE A VIOLATION OF TITLE 5, CHAPTER 3, ARTICLE 10,  
25 TITLE 28, CHAPTER 4, ARTICLE 3 OR SECTION 28-8282 divided by ~~ten~~ FIVE  
26 equals \_\_\_\_\_ judicial productivity credits.

27 5. ~~Total~~ of All other traffic filings CIVIL TRAFFIC COUNTS FILED  
28 divided by sixty equals \_\_\_\_\_ judicial productivity credits.

29 B. ~~Total~~ judicial productivity credits for a justice of the peace  
30 ~~is the sum of the figures computed in subsection A of this section.~~

31 C. ~~The board of supervisors shall use the average number of cases~~  
32 ~~filed annually in each justice court for the two year period ending~~  
33 ~~December 31, 1979 to determine the initial judicial productivity credits~~  
34 ~~for each of the case load categories described in subsection A of this~~  
35 ~~section. The board of supervisors shall compute judicial productivity~~  
36 ~~credits every two years thereafter using the average annual filings for~~  
37 ~~the preceding two year period.~~

38 D. ~~In determining the compensation levels appropriate to the case~~  
39 ~~load of each justice of the peace, the board of supervisors shall use the~~  
40 ~~total judicial productivity credits as follows:~~

41 1. ~~Five hundred or more judicial productivity credits, seventy per~~  
42 ~~cent of the annual compensation payable to a judge of the superior court.~~

43 2. ~~Two hundred to four hundred ninety-nine total judicial~~  
44 ~~productivity credits, sixty-five per cent of the annual compensation~~  
45 ~~payable to a judge of the superior court.~~

1       ~~3. One hundred fifty to one hundred ninety-nine total judicial~~  
2 ~~productivity credits, fifty-five per cent of the annual compensation~~  
3 ~~payable to a judge of the superior court.~~

4       ~~4. One hundred to one hundred forty-nine total judicial~~  
5 ~~productivity credits, fifty per cent of the annual compensation payable to~~  
6 ~~a judge of the superior court.~~

7       ~~5. Fifty to ninety-nine total judicial productivity credits,~~  
8 ~~forty-five per cent of the annual compensation payable to a judge of the~~  
9 ~~superior court.~~

10       ~~6. Twenty-five to forty-nine total judicial productivity credits,~~  
11 ~~thirty-five per cent of the annual compensation payable to a judge of the~~  
12 ~~superior court.~~

13       ~~7. Twenty-four or fewer total judicial productivity credits, a~~  
14 ~~part-time case load for one justice of the peace, twenty-five per cent of~~  
15 ~~the annual compensation payable to a judge of the superior court.~~

16       6. ALL PETITIONS FOR A PROTECTIVE ORDER FILED DIVIDED BY FIVE  
17 EQUALS \_\_\_\_\_ JUDICIAL PRODUCTIVITY CREDITS.

18       C. BEGINNING JANUARY 1, 2018, THE ARIZONA SUPREME COURT SHALL  
19 ANNUALLY PERFORM THE CALCULATIONS REQUIRED BY SUBSECTION B OF THIS SECTION  
20 FOR EACH JUSTICE COURT FOR THE PREVIOUS TWELVE-MONTH PERIOD ENDING ON JUNE  
21 30 TO DETERMINE THE TOTAL JUDICIAL PRODUCTIVITY CREDITS. THE ARIZONA  
22 SUPREME COURT SHALL REPORT THE TOTAL JUDICIAL PRODUCTIVITY CREDITS FOR  
23 EACH JUSTICE COURT TO THE APPLICABLE BOARD OF SUPERVISORS WITHIN ONE  
24 HUNDRED TWENTY DAYS AFTER THE END OF EACH TWELVE-MONTH PERIOD. ANY  
25 ADJUSTMENT TO THE SALARY OF A JUSTICE OF THE PEACE IS EFFECTIVE ON THE  
26 FOLLOWING JANUARY 1.

27       D. EACH JUSTICE OF THE PEACE SHALL BE PAID A PERCENTAGE OF THE  
28 SALARY OF A SUPERIOR COURT JUDGE BASED ON THE FOLLOWING SCHEDULE:

29       1. FIVE HUNDRED OR MORE JUDICIAL PRODUCTIVITY CREDITS EQUALS  
30 SEVENTY PERCENT.

31       2. TWO HUNDRED OR MORE BUT LESS THAN FIVE HUNDRED JUDICIAL  
32 PRODUCTIVITY CREDITS EQUALS SIXTY-FIVE PERCENT.

33       3. ONE HUNDRED FIFTY OR MORE BUT LESS THAN TWO HUNDRED JUDICIAL  
34 PRODUCTIVITY CREDITS EQUALS FIFTY-FIVE PERCENT.

35       4. ONE HUNDRED OR MORE BUT LESS THAN ONE HUNDRED FIFTY JUDICIAL  
36 PRODUCTIVITY CREDITS EQUALS FIFTY PERCENT.

37       5. FIFTY OR MORE BUT LESS THAN ONE HUNDRED JUDICIAL PRODUCTIVITY  
38 CREDITS EQUALS FORTY-FIVE PERCENT.

39       6. TWENTY-FIVE OR MORE BUT LESS THAN FIFTY JUDICIAL PRODUCTIVITY  
40 CREDITS EQUALS THIRTY-FIVE PERCENT.

41       7. TWENTY-FOUR OR FEWER JUDICIAL PRODUCTIVITY CREDITS EQUALS  
42 TWENTY-FIVE PERCENT.

43       E. If a justice court is not assigned clerical help, the board of  
44 supervisors shall multiply the total judicial productivity credits by two



1 for purposes of determining ~~compensation~~ THE SALARY OF THE JUSTICE OF THE  
2 PEACE.

3 F. If the board of supervisors divides a justice precinct into two  
4 or more precincts, the board shall set the ~~level of compensation~~  
5 ~~consistent with the intent of this section until such time as statistics~~  
6 ~~are available for computation of compensation levels using the formula~~  
7 ~~prescribed by this section~~ SALARY OF THE JUSTICE OF THE PEACE OF EACH  
8 PRECINCT EQUAL TO THE HIGHEST SALARY OF ANY OF THE JUSTICES OF THE PEACE  
9 WHOSE PRECINCT IS AFFECTED BY THE DIVISION. THE SALARY OF EACH JUSTICE OF  
10 THE PEACE SHALL BE ADJUSTED AT THE END OF THE FIRST FULL CALENDAR YEAR  
11 AFTER THE PRECINCTS ARE DIVIDED.

12 G. The board of supervisors shall review and adjust the ~~level of~~  
13 ~~compensation~~ ANNUAL SALARY for each justice of the peace within the county  
14 PURSUANT TO SUBSECTION D OF THIS SECTION every ~~two years~~ YEAR beginning  
15 January 1, ~~1983~~ 2019.

16 H. The judicial productivity credits for ~~any~~ A justice court  
17 precinct shall not exceed twelve hundred credits. If the total judicial  
18 productivity credits of a justice court precinct exceed twelve hundred  
19 credits, the county board of supervisors shall create sufficient courts,  
20 or redraw the justice court precinct boundaries according to section  
21 22-101, in order to reduce the judicial productivity credits for any  
22 precinct which exceeds that limit.

23 I. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, THE SALARY  
24 OF A JUSTICE OF THE PEACE MAY NOT BE REDUCED DURING THE TERM IN OFFICE OF  
25 THE JUSTICE OF THE PEACE AND, IF A JUSTICE OF THE PEACE SERVES CONSECUTIVE  
26 TERMS, THE SALARY OF THE JUSTICE OF THE PEACE MAY NOT BE REDUCED BEFORE  
27 THE START OF THE CONSECUTIVE TERM BY MORE THAN ONE TIER PURSUANT TO  
28 SUBSECTION D OF THIS SECTION.

29 J. A FILING AGAINST A JUVENILE IS DETERMINED IN THE SAME MANNER AS  
30 A SIMILAR FILING AGAINST AN ADULT.

31 K. FOR THE PURPOSES OF THIS SECTION:

32 1. "CIVIL FILING" MEANS A LAWSUIT, EVICTION ACTION, PETITION FOR  
33 PROVISIONAL REMEDY OR OTHER CIVIL PETITION, SMALL CLAIMS CASE OR CIVIL  
34 LOCAL ORDINANCE.

35 2. "CIVIL TRAFFIC COUNT" MEANS A TRAFFIC VIOLATION THAT IS NOT  
36 FILED AS A MISDEMEANOR OR FELONY.

37 3. "FELONY" INCLUDES EACH FELONY COUNT THAT IS FILED IN A  
38 COMPLAINT.

39 4. "MISDEMEANOR" INCLUDES EACH MISDEMEANOR AND PETTY OFFENSE COUNT  
40 THAT IS FILED IN A COMPLAINT OR UNIFORM TRAFFIC TICKET AND COMPLAINT.

41 5. "PROTECTIVE ORDER" MEANS A PETITION FOR AN ORDER OF PROTECTION,  
42 AN INJUNCTION AGAINST HARASSMENT OR WORKPLACE HARASSMENT OR A PEACE BOND.

**APPROVED BY THE GOVERNOR APRIL 26, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2017.**



Passed the House February 2, 20 17

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House  
☐ Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate March 21, 2017

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2254

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 20, 20 17,

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting

1 vacant

[Signature]  
Speaker of the House

Jim Drake  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21<sup>st</sup> day of April, 20 17,

at 9:03 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

April, 20 17,

at 1:56 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2254

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of April, 20 17,

at 4:44 o'clock P. M.

Michelle Reagan  
Secretary of State